
A BILL FOR AN ACT

RELATING TO GEOLOGISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

GEOLOGISTS

§ -1 **Title.** This chapter shall be known as the "Professional Geologist Licensing Act".

§ -2 **Definitions.** As used in this chapter, unless the context otherwise requires:

"Director" means the director of commerce and consumer affairs.

"Geology" means the science that treats the study of the earth in general, the earth's processes and history, investigation of the earth's crust and the rocks and other materials of which it is composed, and the applied science of utilizing knowledge of the earth's history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of mankind.



1 "Practice of geology" means the performance of geology
2 including but not limited to consultation, investigation,
3 evaluation, planning, geologic mapping, interpretation of
4 geologic data, preparation of geologic reports, geologic cross-
5 sections and geologic maps, inspection of geological work, and
6 the responsible supervision thereof, the performance of which is
7 relevant to public welfare or the safeguarding of life, health,
8 property, and the environment, except as otherwise specifically
9 provided by this chapter.

10 "Professional geologist" means a person licensed under this
11 chapter to engage in the practice of geology.

12 "Responsible charge" means the independent control and
13 direction by use of initiative, skill, and independent judgment
14 of geological work or the supervision of the geological work.

15 "Subordinate" means any individual who practices geology or
16 assists a professional geologist in the practice of geology
17 without assuming the responsible charge for the geological work.

18 "Unlawful conduct" is as defined in section -8.

19 "Unprofessional conduct" means conduct of a character
20 likely to deceive, defraud, or harm an individual or the public
21 in the course of professional services and as may be further
22 defined by rule.



1 § -3 **License required; license classification.** (a)

2 After January 1, 2010, a license is required to engage in the
3 practice of geology, except as specifically provided in
4 section -6.

5 (b) The director shall issue to a person who qualifies
6 under this chapter a license in the classification of
7 professional geologist.

8 § -4 **Qualifications for licensure.** Each applicant for
9 licensure as a professional geologist shall:

10 (1) Submit an application in a form as prescribed by the
11 director;

12 (2) Pay a fee as determined by the director;

13 (3) Provide satisfactory evidence of:

14 (A) A bachelors or graduate degree in the geosciences
15 granted through an institution of higher
16 education that is accredited by a regional or
17 national accrediting agency with a minimum of
18 thirty semester or forty-five quarter hours of
19 course work in the geosciences; or

20 (B) Completion of other equivalent educational
21 requirements as determined by the director;

22 (4) Provide satisfactory evidence of:



1 (A) With a bachelors degree, a specific record of
2 five years of active professional practice in
3 geological work of a character satisfactory to
4 the director, indicating the applicant is
5 competent to be placed in a responsible charge of
6 the work;

7 (B) With a masters degree, a specific record of three
8 years of active professional practice in
9 geological work of a character satisfactory to
10 the director, indicating the applicant is
11 competent to be placed in a responsible charge of
12 the work; or

13 (C) With a doctorate degree, a specific record of one
14 year of active professional practice in
15 geological work of a character satisfactory to
16 the director, indicating the applicant is
17 competent to be placed in a responsible charge of
18 the work; and

19 (5) After January 1, 2010, successfully complete the
20 examination requirement established by rule.

21 § -5 **Term of license; expiration; renewal.** (a) Each
22 license issued under this chapter shall be issued in accordance



1 with a two-year renewal cycle established by rule. A renewal
2 period may be extended or shortened by no more than one year to
3 maintain established renewal cycles or to change an established
4 renewal cycle.

5 (b) Each license automatically expires on the expiration
6 date shown on the license unless renewed by the licensee in
7 accordance with the rules established by the director.

8 § -6 **Exemption from licensure.** The following persons
9 may engage in the practice of geology, subject to the stated
10 circumstances and limitations, without being licensed under this
11 chapter; provided that the person shall not use the title of
12 "professional geologist" and shall not directly represent or
13 hold out to the public to be legally qualified to engage in the
14 practice of geology in this State:

15 (1) An employee or subordinate of a professional geologist
16 licensed under this chapter, or any employee of an
17 individual exempted from licensure under this
18 paragraph or paragraph (2); provided that the
19 employee's or subordinate's practice does not include
20 responsible charge;

21 (2) Professional engineers and surveyors licensed under
22 chapter 464; provided that they shall not



1 intentionally represent themselves to be professional
2 geologists;

3 (3) An individual, individual practitioner, or regular
4 full-time employee of a firm, partnership,
5 association, corporation, or other business entity
6 engaged in the exploration for and development of
7 coal, uranium, oil, natural gas, geothermal or other
8 energy resources, precious and nonprecious metals and
9 minerals, and industrial and other minerals, including
10 sand, gravel, and aggregate if the geological work is
11 performed solely for internal use within the company
12 and is not offered directly to the public;

13 (4) An individual engaged in teaching or research in the
14 physical or natural sciences who is not otherwise
15 engaged in practicing geology before the public;

16 (5) An individual providing agricultural or agronomic
17 soils analyses, sampling, or laboratory testing; and

18 (6) An employee of a communications, utility, railroad,
19 mining, petroleum, or manufacturing company, or an
20 affiliate of such a company; provided that the
21 geological work is performed solely for internal use



1 within the company and is not offered directly to the
2 public.

3 § -7 **Grounds for refusal to renew, reinstate or restore**
4 **and for revocation, suspension, denial, or condition of**
5 **licenses.** The director may refuse to renew, reinstate, or
6 restore, or may deny, revoke, suspend, or condition in any
7 manner, any license in accordance with section 436B-19.

8 § -8 **Unlawful conduct.** "Unlawful conduct" includes:

- 9 (1) Using the title "professional geologist" or any other
10 words, letters, abbreviations, or designations, which
11 represent recognized professional geological
12 disciplines indicating that the person using them is a
13 professional geologist, unless the person holds a
14 valid license issued under this chapter; or
15 (2) As a corporation, proprietorship, partnership, or
16 limited liability company, engaging in or representing
17 that the entity is engaging in the practice of geology
18 before the public, unless at least one individual
19 employee of the entity holds a valid license issued
20 under this chapter.

21 § -9 **Unlicensed activity; penalties.** (a) Any person
22 who:



- 1 (1) Practices, offers to practice, or holds oneself out as
2 authorized and qualified to practice professional
3 geology, except as provided in this chapter;
- 4 (2) Uses the title "professional geologist", or any title,
5 sign, card, or device to indicate that the person is
6 practicing professional geology;
- 7 (3) Is a professional geologist without having first
8 acquired a license in accordance with this chapter and
9 without having a valid unexpired license; or who uses
10 or attempts to use as the person's own the seal,
11 certificate or license of another;
- 12 (4) Falsely impersonates any duly licensed professional
13 geologist hereunder; or
- 14 (5) Uses or attempts to use an expired, suspended, or
15 revoked license,
- 16 shall be fined not more than \$500, imprisoned not more than one
17 year, or both.
- 18 (b) Any corporation or copartnership that:
- 19 (1) Advertises that it furnishes geological services in
20 the making of plans or specifications or in the
21 construction of any building or other structure,
22 without first complying with this chapter;



(2) Furnishes or offers to furnish geological services for the construction of any building, structure, project, or utility in the State, without first complying with this chapter,

shall be fined not more than \$1,000. Notwithstanding any law to the contrary, persons, corporations, or copartnerships working on structures exempted in section 464-13 shall not be affected by this subsection.

§ -10 Seal; design and implementation. Every professional geologist shall have a seal, the design and implementation of which shall be established by rule by the director.

§ -11 Geologic maps, cross-sections, reports, and documents to be sealed. (a) Any final geologic map, cross-section, or report prepared in this State shall bear the seal of a professional geologist licensed under this chapter, except as provided in section -6.

(b) Any final geologic map, cross-section, sketch, drawing, plan, or report prepared by, or under the supervision of, a professional geologist shall bear the seal of the professional geologist when submitted to a client or when filed



1 with public authorities, even if the practice is exempt from
2 licensure under section -6.

3 § -12 **Seal; authorized use.** A professional geologist
4 may affix the licensee's seal to a geologic map, cross-section,
5 sketch, drawing, plan, or report only if the geologic map,
6 cross-section, sketch, drawing, plan, or report:

7 (1) Was personally prepared by the licensee;

8 (2) Was prepared by an employee, subordinate, associate,
9 or drafter under the supervision of a licensee;
10 provided the licensee or a principal affixing the
11 licensee's or principal's seal assumes responsibility;

12 (3) Was prepared by a licensed professional geologist in
13 this State or any other state; provided that:

14 (A) The licensee in this State affixing the seal
15 performs a thorough review of all work for
16 compliance with all applicable laws and rules and
17 the standards of the profession; and

18 (B) Makes any necessary corrections before submitting
19 the final plan, specification, or report:

20 (i) To a public authority; or

21 (ii) To a client who has contracted with a
22 professional geologist for the geologic map,



cross-section, or report to be complete and
final;

(4) Was prepared in part by a licensed professional
geologist in this State or any other state; provided
that:

(A) The licensee in this State clearly identifies
that portion of the geologic map, cross-section,
or report for which the licensee is responsible;

(B) The licensee in this State affixing the seal
performs a thorough review of that portion of the
geologic map, cross-section, or report for which
the licensee is responsible for compliance with
the standards of the profession; and

(C) Makes any necessary corrections before submitting
the final geologic map, cross-section, or report
for which the licensee is responsible:

(i) To a public authority; or

(ii) To a client who has contracted with a
professional geologist for the geologic map,
cross-section, or report to be complete and
final; or



(5) Was prepared by a person exempt from licensure as a professional geologist; provided that:

(A) The licensee in this State affixing the seal performs a thorough review for compliance with all applicable laws and rules and the standards of the profession; and

(B) Makes any necessary corrections before submitting the final geologic map, cross-section, or report:

(i) To a public authority; or

(ii) To a client who has contracted with a professional geologist for the geologic map, cross-section, or report to be complete and final; and

(6) Meets any additional requirements established by rule by the director.

§ -13 Rules. The director may adopt rules under chapter 91 to implement this chapter."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Jyla B. Berg
JAN 22 2008



Report Title:

Geologists; Licensing

Description:

Requires licensure for persons holding themselves out to the public as professional geologists.

